

<b>Application Number</b> 	<b>Application/Control No.</b> 10/735,338	<b>Applicant(s)/Patent under Reexamination</b> LYM ET AL.
<b>Document Code - DISQ</b>	<b>Internal Document – DO NOT MAIL</b>	

<b>TERMINAL DISCLAIMER</b>	<input checked="" type="checkbox"/> APPROVED	<input type="checkbox"/> DISAPPROVED
Date Filed :	This patent is subject to a Terminal Disclaimer	

**Approved/Disapproved by:**

**T.D. INFORMAL MEMO: DO NOT MAIL THIS MEMO TO APPLICANT**

DATE: 23-Jun-05

APPL. S.N.: 10/735,338

TO: EXAMINER BOAKYE, ALEXANDER O.  
FROM: Jefferson, Henry  
PARALEGAL SPECIALIST

ART UNIT: 2667

Case Drop-Off Locatc

RETURN THIS MEMO TO:

**JEF-2D68**

SUBJECT: Decision on Terminal Disclaimer (T.D.) filed: 22-Feb-05

INSTRUCTIONS: I have reviewed the submitted T.D. with the results as set forth below. If you agree, please use the appropriate form paragraphs identified by this informal memo in your next Office action to notify applicant of the T.D. If you disagree or have any questions, please see me or the Special Program Examiner. THIS IS AN INFORMAL, INTERNAL MEMO ONLY. IT MUST NOT BE (1) MAILED TO APPLICANT OR (2) PLACED OF RECORD IN THE APPLICATION FILE. When your action is complete, please initial, date and return this memo to me. THANK YOU.

The T.D. is PROPER and has been recorded (see ¶14.23).

The T.D. is NOT PROPER and has not been accepted for the reason(s) checked below (see ¶ 14.24):

The TD fee of   has not been submitted nor is there any authorization in the application file for the use of a deposit account (see ¶ 14.26.07).

The T.D. does not satisfy Rule 321 in that the person who has signed the T.D. has not stated the extent of his/her interest (and/or the extent of the interest of the business entity represented by the signature) in the application/patent (see ¶¶ 14.26 & 14.26.01).

The T.D. lacks the enforceable only during common ownership clause – needed to overcome a non-statutory double patenting rejection, Rule 321(b) (see ¶ 14.27.01).

The T.D. is directed to a particular claim(s), which is not acceptable since “the disclaimer must be for a terminal portion of the term of the entire patent to be granted” (MPEP 1490) (see ¶¶ 14.26 & 14.26.02).

The person who signed the T.D.:  
 is not an attorney “of record” (see ¶¶ 14.29 and 14.29.01).  
 has failed to state his/her capacity to sign for the business entity (see ¶ 14.28).  
 is not recognized as an officer of the assignee (see ¶¶ 14.29 & possible 14.29.02).

No documentary evidence of a chain of title from the original inventor(s) to assignee has been submitted, nor is the reel and frame number specified as to where such evidence is recorded in the Office (see 37 CFR 3.73(b) and 1140 O.G. 72). NOTE: This documentary evidence or the specifying of the reel and frame number may be found in the T.D. or in a separate paper of record in the application (see ¶ 14.30).

The T.D. is not signed (see ¶¶ 14.26 & 14.26.03).

The serial number of the application (or the number of the patent) which forms the basis for the double patenting rejection is missing or incorrect (see ¶ 14.32).

The serial number of this application (or the number of the patent in reexam or reissue cases being disclaimed) is missing or incorrect (see ¶¶ 14.26, 14.27.02 or 14.26.05).

The period disclaimed is incorrect or not specified (see ¶¶ 14.26, 14.27.02 or 14.26.03).

Other:  

Suggestion to request refund (see ¶ 14.36). NOTE: If already authorized, credit refund to deposit account and do not check this item.

I have appropriately notified applicant(s) of the status of the Terminal Disclaimer filed in this case.

Ex. Initials: \_\_\_\_\_

Date: \_\_\_\_\_

Log Date:

Special Program Database, Version 2.1

(Rev. 5/98)

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Thursday, June 23, 2005 1:52:47 PM



Attorney Docket No.: SONY-06601

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

**In re Application of:**

Kevin K. Lym *et al.*

Serial No.: 10/735,338

Filed: December 12, 2003

**For: PREDICTIVE TIME STAMPING  
OF TRANSMITTED DATA**

Group Art Unit: 2667  
Examiner: Boakye, Alexander O.  
**TERMINAL DISCLAIMER**  
162 N. Wolfe Rd.  
Sunnyvale, California 94086  
(408) 530-9700  
Customer No. 28960

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

Sir:  
I, Jonathan O. Owens, represent that I am the attorney of record for this invention. The disclaimant, Sony Corporation and Sony Electronics, Inc., assignees of this invention, own the whole of this invention.

The terminal part of the statutory term of any patent granted on the above-identified application, which would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. § 154 to 156 and 173 of United States Patent No. 6,680,944 as presently shortened by any terminal disclaimer, is hereby disclaimed, except as provided below, and it is agreed that any patent so granted on the above-identified application shall be enforceable only for, and during, such period that the legal title to said patent shall be the same as the legal title to United States Patent No. 6,680,944, this agreement to run with any patent granted on the above-identified application and to be binding upon the grantee, its successors or assigns.

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In making the above disclaimer, claimant does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. § 154 to 156 and 173 of United States Patent No. 6,680,944, as presently shortened by any terminal disclaimer, in the event that it later: expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 CFR 1.321, has all claims cancelled by a reexamination certificate, is reissued in any matter or is terminated prior to expiration of its full statutory term as presently shortened by any terminal disclaimer, except for the separation of legal title stated above.

**FEE STATUS**  
(37 CFR 1.20(d))

Other than a small entity -- fee \$130.00.

Authorization To Charge Deposit Account:

The Commissioner is hereby authorized to charge any fees or credit any overpayment during the pendency of this application to Account No. 08-1275. An originally executed duplicate of this document is enclosed for this purpose.

Dated: February 16, 2005

By: Jonathan O. Owens  
Jonathan O. Owens  
Reg. No. 37,902

Attorney for Applicant

**CERTIFICATE OF MAILING (37 CFR § 1.8(a))**

I hereby certify that this paper (along with any referred to as being attached or enclosed) is being deposited with the U.S. Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to the: Commissioner for Patents, P.O. Box 1450 Alexandria, VA 22313-1450

HAVERSTOCK & OWENS LLP.

Date: 2-16-05 By: Jonathan O. Owens